

**SUPREME COURT MINUTES
WEDNESDAY, AUGUST 16, 2000
SAN FRANCISCO, CALIFORNIA**

S075679 In re William D. Kirkpatrick
 on
 Habeas Corpus
 BY THE COURT:

Petitioner having submitted to this court a document dated July 23, 2000, stating that petitioner does not wish to proceed with the petition for writ of habeas corpus filed on his behalf in this court, and good cause appearing, the Presiding Judge of the Marin County Superior Court is ordered to select a judge of that court to sit as a referee in this proceeding and to promptly notify this court of the referee selected.

After appointment by this court, the referee is directed to hold, after proper notice to the parties, an evidentiary hearing to determine whether William D. Kirkpatrick is mentally competent to withdraw his petition for writ of habeas corpus, applying the standard set out by the United States Supreme Court in *Rees v. Payton* (1966) 384 U.S. 312, as follows: “whether [the prisoner] has capacity to appreciate his position and make a rational choice with respect to continuing or abandoning further litigation or on the other hand whether he is suffering from a mental disease, disorder, or defendant which may substantially affect his capacity” (*Id.* at p. 314.) The referee also shall make findings on the question whether the prisoner has made a knowing, intelligent, and voluntary waiver of his right to proceed. (See *Whitmore v. Arkansas* (1990) 495 U.S. 149, 165.) The Attorney General and counsel appointed for Kirkpatrick, the Federal Public Defender, may participate in the hearing. Separate counsel may be appointed for Kirkpatrick if he so requests. The referee may appoint experts in the field of psychiatry and psychology to examine and test Kirkpatrick and to testify at the hearing before the referee. (See *Rees v. Payton, supra*, 384 U.S. at pp. 313-314; *Mason v. Vasquez* (9th Cir. 1993) 5 F.3d 1220, 1221-1224.) The referee shall make findings whether Kirkpatrick’s competence is established by a preponderance of the evidence. (*Mason v. Vasquez, supra*, at p. 1225.) After the hearing, the referee shall promptly make the required findings and transmit those findings to this court with the record of the hearing, including all exhibits.

S088712 People, Respondent
4th Dist. v.
D030950 Charles Edward Storm, Appellant
Div. 1 Petition for review GRANTED.

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

2nd Dist. Sam Junior Wells, Petitioner
B133725 v.
Div. 2 Los Angeles County Superior Court, Respondent
S088939 People, Real Party in Interest

Petition for review GRANTED. The matter is transferred to the Second Appellate District, Division Two, with directions to vacate its opinion dated April 27, 2000 in the matter (B133725), and to reconsider the matter in light of *Lockhart v. Fretwell* (1993) 506 U.S. 364 and *People v. Rodrigues* (1994) 8 Cal.4th 1060, 1126.

George, C.J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S088525 Howard C. Birndorf, Petitioner
4th Dist. v.
D034013 San Diego County Superior Court, Respondent
S088525 Tisch Alexzander, Real Party in Interest

In view of the circumstance that the court has been notified that this matter has been settled, review is DISMISSED as improvidently granted and the cause is remanded to the Court of Appeal, Fourth Appellate District, Division One. (Cal. Rules of Court, rule 29.4(c).)

George, C.J.
Mosk, J.
Kennard, J.
Baxter, J.
Werdegar, J.
Chin, J.
Brown, J.

S069522 Peter Alan Kasler et al., Appellants
3rd Dist. v.
C017769 Bill Lockyer, as Attorney General, etc. et al., Respondents
Petition for rehearing DENIED.
Kennard, J., is of the opinion the petition should be granted.

S074296 Craig Asmus et al., Appellants
v.
Pacific Bell; Pacific Telesis Group et al., Appellants
Petition for rehearing DENIED.
George, C.J., Mosk, J., and Kennard, J., are of the opinion the petition should be granted.
Werdegar, J., did not participate.
Hon. Judith Lynette Haller, Associate Justice, Court of Appeal, Fourth Appellate District, Division One, assigned by the Chief Justice pursuant to article VI, section 6, of the California Constitution, participated.

S087893 People, Respondent

3rd Dist. v.

C024654 Ejaan Dupree McCoy et al., Appellants

Review is limited to the issue of whether an aider and abettor may be found guilty of an offense greater than the offense of which the actual perpetrator is convicted when they are tried together.

S088368 People, Respondent

5th Dist. v.

F027481 Susan Lee Russo, Appellant

In re Susan Lee Russo on Habeas Corpus

Review is limited to the issue of whether an overt act is an element of the crime of conspiracy such that the jurors must unanimously agree on the overt act that was committed, and whether the trial court prejudicially erred in failing to so instruct the jury.

S089151 Louie F. Mora, Petitioner

v.

Court of Appeal, Fourth Appellate District, Division 1, Respondent
People, Real Party in Interest

Petition for writ of mandate/prohibition DENIED.

S089241 Darrell Vincent White, Petitioner

v.

Court of Appeal, Fifth District, Respondent
People, Real Party in Interest

Petition for writ of mandate/prohibition DENIED.

S089764 John B. Cruz, Petitioner

v.

Court of Appeal, Fifth Appellate District, Respondent
Connie E. Cruz, Real Party in Interest

Petition for writ of mandate/prohibition DENIED.

S089854 Joseph Leonard Neufeld, Petitioner

v.

Marin County Superior Court Appellate Division, Respondent
City of San Rafael, Real Party in Interest

Petition for writ of review DENIED.

- S089858 Shoukry Messiah, Petitioner
 v.
 Court of Appeal Second Appellate District, Respondent
 Emily Crandall et al., Real Parties in Interest
 Petition for writ of mandate DENIED.
- S066292 In re Demetrius Charles Howard
 on
 Habeas Corpus
 Petition for writ of habeas corpus is DENIED as moot.
- 1st Dist. People, Respondent
A083897 v.
Div. 1 Quyen Dai Van, Appellant
S088774 Petition for review DENIED.
- 1st Dist. Ellen Laferty Wright, Plaintiff and Appellant
A084577 v.
Div. 4 First American Title Insurance Company, Defendant and Appellant
S090071 Petition for review DENIED.
 The request for an order directing publication of the opinion is
 DENIED.
- 1st Dist. People, Respondent
A084614 v.
Div. 2 Maxx Donevick Wilson, Appellant
S089783 Petition for review DENIED.
- 1st Dist. Stan Habr, Appellant
A084868 v.
Div. 2 World Savings and Loan Association, Respondent
S089700 Petition for review DENIED.
- 1st Dist. Mission Housing Development Company et al., Appellants
A085462 v.
Div. 5 City and County of San Francisco, Appellant
S089333 Petition for review DENIED.
 Mosk, J., is of the opinion the petition should be granted.

1st Dist. Claire Saunders et al., Appellants
A085794 v.
Div. 4 City of Santa Rosa et al., Respondents
S089535 Petition for review DENIED.

1st Dist. Daniel Wilson Sr. et al., Respondents
A087001 v.
Div. 4 John Crane Incorporated, Appellant
S089580 Petition for review DENIED.

1st Dist. In re Christopher H., a Person Coming
A087368 Under the Juvenile Court Law
Div. 2 -----
S089859 Contra Costa Social Services Agency, Respondent
v.
Melvin P., Appellant
Petition for review DENIED.

1st Dist. James Roskind, Appellant
A087546 v.
Div. 5 Morgan Stanley Dean Witter & Company, Respondent
S089019 Petition for review DENIED.
Brown, J., is of the opinion the petition should be granted.
The request for an order directing depublication of the opinion is
DENIED.

1st Dist. In re Derek D., a Person Coming Under the Juvenile Court Law
A088823 -----
Div. 2 People, Plaintiff and Respondent
S090037 v.
Derek D., Defendant and Appellant
Petition for review DENIED.

1st Dist. Dan Fost, Petitioner
A089753 v.
Div. 2 Marin County Superior Court, Respondent
S089208 Darrell Hunter et al., Real Parties in Interest
Petition for review DENIED.
The requests for an order directing depublication of the opinion
are DENIED.

1st Dist. Zelman Industrial Partners, Inc., Petitioner
A090941 v.
Div. 3 Alameda County Superior Court, Respondent
S089939 Aluserve Electrical Products, Inc., Real Party in Interest
 Petition for review DENIED.

1st Dist. General Refractories Company, Petitioner
A091267 v.
Div. 3 Alameda County Superior Court, Respondent
S089941 Earl Truman Atchison, Real Party in Interest
 Petition for review DENIED.

1st Dist. General Refractories Company, Petitioner
A091311 v.
Div. 3 Alameda County Superior Court, Respondent
S090084 Marie Pope et al., Real Parties in Interest
 Petition for review DENIED.

2nd Dist. Tony R. Gularte, Appellant
B135327 v.
Div. 4 Fremont Life Insurance Company, Respondent
S089741 Petition for review DENIED.

2nd Dist. People, Petitioner
B140512 v.
Div. 2 Los Angeles County Superior Court, Respondent
S089772 Victor Torres, Real Party in Interest
 Petition for review DENIED.

2nd Dist. Varoujan Yedalian, Petitioner
B140621 v.
Div. 3 Los Angeles County Superior Court, Respondent
S089205 Southern California Permanente Medical Group et al.,
 Real Parties in Interest
 Petition for review DENIED.

2nd Dist. People, Respondent
B140867 v.
Div. 3 Mohan Ahuja, Appellant
S089785 Petition for review DENIED.

2nd Dist. City of Los Angeles, Petitioner
B141152 v.
Div. 2 Workers' Compensation Appeals Board, Respondent
S089681 Blue Cross of California, Respondent
Petition for review DENIED.

2nd Dist. Wayne La Velle, Petitioner
B142047 v.
Div. 7 Workers' Compensation Appeals Board and
S089834 Trans World Airlines, Respondents
Petition for review DENIED.

2nd Dist. People, Respondent
B142228 v.
Div. 1 Henry W. Forbes, Petitioner
S089821 Petition for review DENIED.

2nd Dist. Melissa Rakestraw, Appellant
B115766 v.
Div. 3 California Physicians' Service, Respondent
S089768 Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

2nd Dist. People, Respondent
B120947 v.
Div. 1 Charles Friddle, Appellant
S088674 Petitions for review DENIED.

2nd Dist. People, Respondent
B120930 v.
Div. 3 Michael T. Page, Appellant
S089734 Petition for review DENIED.

2nd Dist. People, Respondent
B121805 V.
Div. 4 Chad Landrum et al., Appellants
S076725 Petitions for review DENIED.

2nd Dist. Peter Berman, Respondent
B125182 v.
Div. 7 Health Net, Appellant
S089653 Petition for review DENIED.
The request for an order directing depublication of the opinion is
DENIED.

2nd Dist. People, Respondent
B125930 v.
Div. 2 Paul Apollo Gornick, Appellant
S089202 Petition for review DENIED.

2nd Dist. Reynaldo Ramos, Appellant
B126185 v.
Div. 3 Liberty Mutual Insurance Company, Respondent
S089523 Petition for review DENIED.

2nd Dist. People, Respondent
B127193 v.
Div. 3 Marion Shadell James, Appellant
S088588 Petitions for review DENIED.

2nd Dist. People, Respondent
B128895 v.
Div. 4 Thomas Jefferson Guderian, Appellant
S088836 Petition for review DENIED.

2nd Dist. Joseph W. Fairfield, Appellant
B129304 v.
Div. 6 Emmett J. Gantz, Respondent
S089418 Petition for review DENIED.

2nd Dist. People, Respondent
B129715 v.
Div. 6 Brian Dotson et al., Appellants
S089080 Petitions for review DENIED.

2nd Dist. People, Respondent
B129722 v.
Div. 6 James Naff Gibson, Jr., Appellant
S089748 Petition for review DENIED.

2nd Dist. People, Respondent
B129732 v.
Div. 1 Robert A. Marquez, Appellant
S089804 Petition for review DENIED.

2nd Dist. People, Respondent
B130068 v.
Div. 6 Jeffrey Edward Neff, Appellant
S089726 Petition for review DENIED.

2nd Dist. Barbara Olsen, Respondent
B130169 v.
Div. 6 Caroline Townsend, Appellant
S089426 Petition for review DENIED.

2nd Dist. People, Respondent
B130380 v.
Div. 2 Larry Jahmal Shipp, Appellant
S088668 Petition for review DENIED.

2nd Dist. People, Respondent
B130446 v.
Div. 1 Eugene Anthony Baird, Appellant
S089154 Petition for review DENIED.

2nd Dist. People, Respondent
B130868 v.
Div. 5 Troy Allen Villasenor, Appellant
S088663 Petition for review DENIED.

2nd Dist. Jamie Weidmann, Appellant
B131567 v.
Div. 6 The May Department Stores Company, etc., Respondent
S089325 Petition for review DENIED.

2nd Dist. People, Plaintiff and Respondent
B131880 v.
Div. 1 Luis Alberto Cedillos, Defendant and Appellant
S090078 Petition for review DENIED.

2nd Dist. B133402 Div. 2 S089846	People, Respondent v. Patrick Williams, Appellant Petition for review DENIED.
2nd Dist. B133551 Div. 3 S089884	Steve Marie Romo, Appellant v. Steve J. Vouis, Respondent Petition for review DENIED.
2nd Dist. B133589 Div. 5 S089915	People, Respondent v. Adrian L. Casey, Appellant Petition for review DENIED.
2nd Dist. B133632 Div. 6 S089415	Touch Up Incorporated, Respondent v. Arroyo Vista Partners et al., Appellants Petition for review DENIED.
2nd Dist. B133819 Div. 7 S089084	People, Respondent v. Victor Perez, Appellant Petition for review DENIED.
2nd Dist. B133875 Div. 7 S089824	People, Respondent v. Eddis Clayton Shepherd, Appellant Petition for review DENIED.
2nd Dist. B134521 Div. 7 S089883	People, Respondent v. Freddie Hughey et al., Defendant and Appellants Petitions for review DENIED. Mosk, J., is of the opinion review should be granted.
2nd Dist. B134597 Div. 1 S089779	People, Respondent v. Robert Diblasi, Appellant Petition for review DENIED. Mosk, J., is of the opinion the petition should be granted.

2nd Dist. B134622 Div. 1 S089863	People, Respondent v. Craig Dwayne Knights, Appellant Petition for review DENIED.
2nd Dist. B135262 Div. 6 S090141	People, Respondent v. Michael Lewis, Appellant Petition for review DENIED.
2nd Dist. B135451 Div. 5 S090035	People, Plaintiff and Respondent v. Albert Wilburn Tolliver, Jr., Defendant and Appellant Petition for review DENIED. Mosk, J., is of the opinion the petition should be granted.
2nd Dist. B136227 Div. 6 S089881	People, Plaintiff and Respondent v. Kevin James Winston, Defendant and Appellant Petition for review DENIED.
2nd Dist. B136744 Div. 6 S088938	In re Philip Wallace Guglielmelli on Habeas Corpus Petition for review DENIED.
3rd Dist. C030151 S090039	People, Plaintiff and Respondent v. Christopher David Barajas, Defendant and Appellant Petition for review DENIED.
3rd Dist. C031042 S090097	People, Plaintiff and Respondent v. Robert Ernest Gallegos, Sr., Defendant and Appellant Petition for review DENIED.
3rd Dist. C031048 S089832	People, Respondent v. Richard Ricks, Appellant Petition for review DENIED.

3rd Dist. June E. McKeon, Appellant
C032049 v.
S077550 Department of Fair Employment and Housing et al., Respondents
Mercy Healthcare Sacramento et al., Real Parties in Interest
Petition for review DENIED.

3rd Dist. People, Plaintiff and Respondent
C032380 v.
S090083 David Omar Salgado, Defendant and Appellant
Petition for review DENIED.

3rd Dist. Jack Tyler, Appellant
C032389 v.
S089757 Cameron Park Community Services District, Respondent
Petition for review DENIED.

3rd Dist. People, Plaintiff and Respondent
C032461 v.
S090081 Guadalupe Hernandez, Defendant and Appellant
Petition for review DENIED.

3rd Dist. People, Plaintiff and Respondent
C034296 v.
S090551 Abdule Hakeem, Defendant and Appellant
Petition for review DENIED.

3rd Dist. Sean Smartt, Petitioner
C035849 v.
S089787 Sacramento County Superior Court, Respondent
Telecomp Technologies, Inc. et al., Real Parties in Interest
Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

4th Dist. People, Respondent
D030163 v.
Div. 1 Michael T. Bonner, Appellant
S089159 Petition for review DENIED.

4th Dist. Janet Popovic, Appellant
D031870 v.
Div. 1 Lakeside Union School District et al., Respondents
S089344 Petition for review DENIED.

4th Dist. People, Respondent
D032125 v.
Div. 1 Frank Tokash, Appellant
S088693 Petition for review DENIED.

4th Dist. People, Respondent
D032154 v.
D034706 Marquice Dupree Wallace et al., Appellants
D034258 -----
Div. 1 In re Marquice Dupree Wallace on Habeas Corpus
S088861 Petitions for review DENIED.

4th Dist. People, Respondent
D033316 v.
Div. 1 James Palmore, Appellant
S088727 Petition for review DENIED.

4th Dist. People, Respondent
D033445 v.
Div. 1 James Rose, Appellant
S088667 Petition for review DENIED.

4th Dist. Steve Kassab, Appellant
D033687 v.
Div. 1 San Diego State University, Respondent
S089665 Petition for review DENIED.

4th Dist. People, Plaintiff and Respondent
D034136 v.
Div. 1 Ronald Lee Brown, Defendant and Appellant
S090067 Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

4th Dist. In re Frank L., a Person Coming Under the Juvenile Court Law
D034497 -----
Div. 1 San Diego County Health and Human Services Agency, Respondent
S089763 v.
Sonia P., Appellant
Petition for review DENIED.
Mosk, J., and Baxter, J., are of the opinion the petition should be granted.
The request for an order directing depublication of the opinion is DENIED.

4th Dist. Daniel G. Farney, Petitioner
D035222 v.
Div. 1 San Diego County Superior Court, Respondent
S089081 People, Real Party in Interest
Petition for review DENIED.

4th Dist. Lauren N., Petitioner
D035760 v.
Div. 1 San Diego County Superior Court, Respondent
S089566 Gayle N., et al., Real Parties in Interest
Petition for review DENIED.

4th Dist. In re William Joseph Baumer
D035828 on
Div. 1 Habeas Corpus
S089770 Petition for review DENIED on the merits.

4th Dist. People, Respondent
E023505 v.
Div. 2 Rudy M. Morales, Appellant
S089812 Petition for review DENIED.

4th Dist. Guardianship of Lisa P. et al., Minors
E024580 -----
Div. 2 Mable P. et al., Petitioners and Respondents
S089823 v.
Jenny P., Objector and Appellant
Petition for review DENIED.

4th Dist. People, Respondent
E025025 v.
Div. 2 Javier Araoz, Appellant
S089712 Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

4th Dist. People, Respondent
E025253 v.
Div. 2 Paul Linton Wingfield, Appellant
S089810 Petition for review DENIED.

4th Dist. People, Plaintiff and Respondent
E025150 v.
Div. 2 Richard Eugene Chesser, Defendant and Appellant
S090086 Petition for review DENIED.

4th Dist. People, Plaintiff and Respondent
E025657 v.
Div. 2 Antonio James Smith, Defendant and Appellant
S089849 Petition for review DENIED.

4th Dist. People, Respondent
E025686 v.
Div. 2 Clarence Webb Jr., Appellant
S089860 Petition for review DENIED.

4th Dist. People, Respondent
E025899 v.
Div. 2 Mario Chavez, Appellant
S089735 Petition for review DENIED.

4th Dist. Maureen G., Petitioner
E026960 v.
Div. 2 Riverside County Superior Court, Respondent
S089789 Riverside County Department of Public Social Services,
Real Party in Interest
Petition for review DENIED.

4th Dist. Frederick D. Bennett, Petitioner
E027311 v.
Div. 2 San Bernardino County Superior Court, Respondent
S090305 People, Real Party in Interest
Application for stay and petition for review DENIED.

4th Dist. Frederick D. Bennett, Petitioner
E027359 v.
Div. 2 San Bernardino County Superior Court, Respondent
S090312 People, Real Party in Interest
Application for stay and petition for review DENIED.

4th Dist. People, Respondent
G020918 v.
Div. 3 Larry Williams, Appellant
S089814 Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

4th Dist. Edward Charles Tilden, Cross-complainant and Appellant
G021913 v.
Div. 3 California Corridor Constructors et al., Cross-defendants and
S089955 Respondents
Petition for review DENIED.

4th Dist. People, Plaintiff and Respondent
G024124 v.
Div. 3 Henry Philip Schmidt, Defendant and Appellant
S089868 Petition for review DENIED.

4th Dist. People, Plaintiff and Respondent
G024735 v.
Div. 3 Eugene Winston Tate, Defendant and Appellant
S089862 Petition for review DENIED.

4th Dist. Joseph R. Thames, Appellant
G025311 v.
Div. 3 United Services Automobile Association, Respondent
S089797 Petition for review DENIED.

5th Dist. People, Respondent
F026587 v.
S088688 Songsatith Thongthipvoravong et al., Appellants
Petitions for review DENIED.

5th Dist. People, Respondent
F029259 v.
F031797 Anthony Armijo Romero, Appellant
S088871 -----
In re Anthony Armijo Romero on Habeas Corpus
Petition for review DENIED.

5th Dist. People, Respondent
F030709 v.
S088489 Katherine Denise Millsap, Appellant
Petition for review DENIED.
The request for an order directing publication of the opinion is
DENIED.

5th Dist. People, Respondent
F031462 v.
S089744 Michael L. Bones, Appellant
Petition for review DENIED.
Mosk, J., is of the opinion the petition should be granted.

5th Dist. People, Respondent
F032239 v.
S089745 Eric Parker, Appellant
Petition for review DENIED.

5th Dist. People, Respondent
F032497 v.
S089847 Gregory Patrick Ramos, Appellant
Petition for review DENIED.

5th Dist. In re Sergio M., a Person Coming Under the Juvenile Court Law
F033400 -----
S089099 People, Respondent
v.
Sergio M., Appellant
Petition for review DENIED.

5th Dist. Glenna Jean Blair, Petitioner
F035022 v.
S090109 Workers' Compensation Appeals Board, Respondent
 A-1 Battery Company, Respondent
 Petition for review DENIED.

6th Dist. People, Respondent
H016237 v.
S088958 Thomas Dennis O'Donnell, Appellant
 Petition for review DENIED.

6th Dist. In re the Marriage of Rita and Robert Deering
H018109 -----
S089792 Rita Deering, Appellant
 v.
 Robert Deering, Respondent
 Petition for review DENIED.

6th Dist. People, Plaintiff and Respondent
H018932 v.
S090098 Mossoud Shadzad, Defendant and Appellant
 Petition for review DENIED.

6th Dist. People, Respondent
H018975 v.
S088865 James Lenwood Stevenson et al., Appellants
 Petitions for review DENIED.

6th Dist. People, Respondent
H019572 v.
S089113 Luis Ledesma Avila, Appellant
 Petition for review DENIED.

6th Dist. People, Respondent
H019634 v.
S088568 John Michael Rodriguez, Appellant
 Petition for review DENIED.

6th Dist. H020081 S090070	In re Josiah B., a Person Coming Under the Juvenile Court Law ----- Dept. of Family & Children Services, Plaintiff and Respondent v. Emanuel B., Defendant and Appellant Petition for review DENIED.
6th Dist. H020167 S088717	People, Respondent v. Paul Louis Galloway, Appellant Petition for review DENIED.
6th Dist. H020306 S090293	Steven M. et al., Persons Coming Under the Juvenile Court Law ----- Santa Clara County Department of Family and Children's Services, Plaintiff and Respondent v. Tracy M., Defendant and Appellant Petition for review DENIED.
6th Dist. H020406 S090128	In re Carlos O., a Person Coming Under the Juvenile Court Law ----- People, Plaintiff and Respondent v. Carlos O., Defendant and Appellant Petition for review DENIED.
6th Dist. H021449 S089588	James Dahlgreen et al., Petitioners v. Workers' Compensation Appeals Board, Respondent D'Arrigo Brothers, Respondent Petition for review DENIED.

Orders were filed in the following matters extending the time within which to grant or deny a petition for review to and including the date indicated, or until review is either granted or denied:

A080738/S089180 People v. Eric D. Dotson et al. – September 18, 2000.

A083059/S089379 People v. Cynthia Anne Enderby – September 21, 2000.

- B123537/S089378 People v. Marvin A. Solis – September 20, 2000.
- B125994/S089029 People v. Patrick Joseph Jackson – September 20, 2000.
- B129279/S089227 People v. James Clarence Lawton – September 15, 2000.
- B131508/S089250 People v. Victor F. Adegbenro – September 15, 2000.
- B132513/S089254 People v. Otto Rene Lopez – September 15, 2000.
- B132643/S089400 People v. Jose Luis Martinez – September 21, 2000.
- B132850/S089269 In re the Marriage of Darcy J. and Louis V. Newman;
D’Arcy J. Newman v. Louis V. Newman – September 18,
2000.
- C031224/S089381 People v. Rodney Guy Harmon – September 21, 2000.
- D033618/S089300 People v. Dale F. North – September 19, 2000.
- E023695/S089303 People v. Tomas Martinez – September 15, 2000.
- E023706/S089337 People v. Kenneth William Sable – September 15, 2000.
- E024750/S089278 People v. Vern Richard Skinner – September 15, 2000.
- E027325/S089354 Feliciano Cobarruvias v. Riverside County Superior Court;
People, RPI – September 21, 2000.
- E027360/S089365 Thomas Patrick Morris v. Riverside County Superior Court;
People, RPI – September 21, 2000.
- F032840/S089352 People v. Joseph Michael Veyna – September 20, 2000.
- F034275/S089309 People v. Fresno County Superior Court; Bruce Edward
Riley, RPI – September 15, 2000.

S023000 People, Respondent

v.

Dean Phillip Carter, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to and including October 16, 2000.

S012852 People, Respondent

v.

Robert Edward Maury, Appellant

Good cause appearing, the applications of lead appointed counsel for permission to withdraw as habeas corpus/executive clemency attorney of record for appellant Robert Edward Maury, filed June 23, 1998, and September 24, 1999, are granted, and the application of associate appointed counsel for permission to withdraw as attorney of record for appellant Robert Edward Maury, filed May 5, 2000 is granted.

The order appointing Joseph E. Chabot as counsel of record for appellant Robert Edward Maury, filed October 11, 1990, is hereby vacated with respect to the investigation and/or initiation of habeas corpus/executive clemency proceedings related to appellant's pending capital appeal, and the order appointing Michael F. Ram as associate counsel of record for appellant Robert Edward Maury, filed May 10, 1991, is hereby vacated. Mr. Chabot shall remain as counsel of record for appellant's capital appeal, and shall continue to be responsible for all appellate duties specified in Supreme Court Policies Regarding Cases Arising From Judgments of Death, policy 3, standards 1-1 and 2-1.

Therese Y. Cannata is hereby appointed as habeas corpus/executive clemency counsel in place of Joseph E. Chabot and Michael F. Ram on behalf of appellant Robert Edward Maury, and has responsibility for all habeas corpus/executive clemency duties specified in policy 3, standards 1-1 and 2-1.

Mr. Chabot is directed to deliver to Ms. Cannata, within 30 days from the filing of this order, a copy of the entire case file relating to Robert Edward Maury's capital appeal and related habeas corpus proceedings currently in his possession, including, but not limited to, the reporter's and clerk's transcripts, all case files and documents obtained from appellant Maury's trial counsel, all case reports from investigators, legal assistants and paralegals, and copies of all other documents filed in this court.

S012852 People, Respondent

v.

Robert Edward Maury, Appellant

In conjunction with the order filed this day permitting Joseph E. Chabot to withdraw as counsel of record for death row inmate Robert Edward Maury with respect to the investigation and/or initiation of habeas corpus/executive clemency proceedings related to appellant's automatic appeal now pending in this court, Chabot is ordered to reimburse this court the sum of \$28,000. Subject to Chabot's timely and satisfactory completion of his on-going obligations with regard to representation of appellant Maury on Maury's automatic appeal, the court will permit Chabot to satisfy this reimbursement order from future hourly billing for the automatic appeal to which Chabot may otherwise become entitled. This order is without prejudice to Chabot's ability to seek -- upon adequate demonstration -- a credit for habeas corpus work that Chabot has already performed "that is determined by the court to be of value to the court." (Payment Guideline V, subpart B ["Court Action Upon Nonperformance of Work, and Reimbursement of Fees Upon Withdrawal of Appointed Counsel"].)

S029453 People, Respondent

v.

Rudolph Jose Roybal, Appellant

The application of Elizabeth A. Barranco and Russell S. Babcock for appointment, respectively, as lead and associate "habeas corpus/executive clemency" counsel for condemned inmate Rudolph Jose Roybal, in place of appointed counsel Barry L. Morris, is denied. This denial is without prejudice to a renewed motion in compliance with the "Supreme Court Policies Regarding Cases Arising From Judgments of Death" and the "Guidelines for Fixed Fee Appointments, on Optional Basis, to Automatic Appeals and Related Habeas Corpus Proceedings in the California Supreme Court."

Notwithstanding the denial of their motion for appointment, Barranco and Babcock may file in this court, and appear on, postaffirmance capital-related habeas corpus proceedings on behalf of Roybal, as well as any subsequent state proceedings.

The request for leave to withdraw by appointed counsel Barry L. Morris is denied. (See Supreme Ct. Policies Regarding Cases Arising From Judgments of Death, policy 2 ["Withdrawal of counsel"].)

S088290 In the Matter of Felix Torres, Jr., on Discipline

Petition for writ of review is denied.

It is ordered that **Felix Torres Jr., State Bar No. 135480**, be suspended from the practice of law for five years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct; that execution of the five-year suspension be stayed; and that Torres be placed on probation for five years on conditions including that he be actually suspended from the practice of law for three years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. In addition, Torres is ordered to comply with the conditions of probation recommended by the Review Department of the State Bar Court in its opinion filed on March 7, 2000, as modified by its order filed on March 16, 2000. Torres is also ordered to take and pass the Multistage Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Torres is further ordered to comply with rule 955 of the California Rules of Court and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

